

FILED  
LUCAS COUNTY

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AMANDA L. STORCK  
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CLERK OF COURTS

**IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO**

Gwendolyn Bailey  
2438 Cross Ridge Road  
Perrysburg, OH 43551

Plaintiff,

vs.

Tyler Joseph Clair  
2341 Lewis Avenue  
Ida, MI 48140,

and;

Secord Farms, LLC  
10957 Telegraph Road  
Erie, MI 48133,

and;

Abess H. Awada  
7748 E. Morrow Circle  
Dearborn, MI 48126,

and;

Calhoun Truck Lines, LLC  
9845 West 74<sup>th</sup> Street  
Eden Prairie, MN 55344

Defendants.

Ca: G-4801-CI-0202001587-000  
Judge  
Hoi ALFONSO J GONZALEZ

**COMPLAINT WITH JURY DEMAND  
ENDORSED HEREON**

Frederic E. Matthews (0010830)  
RAYLE, MATTHEWS & COON  
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Bowling Green, OH 43402  
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Email: fmatthews@rmclawfirm.com  
Counsel for Plaintiff

RAYLE, MATTHEWS  
& COON  
ATTORNEYS AT LAW  
100 SOUTH MAIN STREET  
BOWLING GREEN, OHIO 43402  
(419) 354-4442

Exhibit A

Now comes Plaintiff, Gwendolyn Bailey, by and through legal counsel, Frederic E. Matthews, and for her COMPLAINT, alleges and avers as follows:

Relevant Facts

1. On or about February 27, 2018, Plaintiff, Gwendolyn Bailey, was driving her red, 2015 Honda CRV traveling northbound on Interstate-75 [I-75] in Toledo, Lucas County, Ohio. The passenger in Plaintiff's car was her friend, Thomas LaFarree, who was in the passenger seat.

2. As Plaintiff neared the 2002-mile post of I-75 traveling in the center lane, she saw a piece of rubber fly up in the air and then immediately observed a trailer wheel fly off the trailer that was travelling in the right lane ahead of her. The flying trailer tire and rim was moving in her direction.

3. The tractor-trailer was operated by Tyler Joseph Clair, who was driving the tractor-trailer that was owned by Secord Farms, LLC. Tyler Clair was at all times relevant to this cause within the scope of his employment with Secord Farm, LLC, the owner of the tractor-trailer.

4. Plaintiff, seeing the wheel fly into the air and not knowing where it would land, quickly checked the rearview mirror for traffic behind her, and seeing no one in the left lane, put on her left turn signal, tapped her brakes, then took evasive action to move to the left-hand lane to avoid the trailer wheel coming down the road in her direction.

5. Very soon after, Plaintiff was rear-ended by the truck owned by Defendant Calhoun Trucking, LLC and driven by Abess Awada. Plaintiff and the car were jolted forward violently. Plaintiff moved over to the pull-off lane to the left in order to get off the highway and away from traffic.

6. Plaintiff's vehicle's rear bumper was pushed in, the lift hatch was damaged and the rear window was demolished.

7. The Calhoun Trucking Lines, LLC truck driven by Abess Awada also turned to the pull-off lane to the left.

8. The driver of the Secord Farms Vehicle did not stop and continued on his way going northbound. The State Highway Patrol was able to catch up with him some time after.

9. Shortly after the crash, Plaintiff began experiencing headaches and became nauseous. Her passenger, Thomas, who was on his way to the hospital had to get other transportation to get there.

10. Plaintiff's son came to the scene and took her to the emergency hospital on Eckel Junction Road in Perrysburg. She was then examined for severe headaches as well as neck and back pain and other injuries she may have sustained.

11. As a result of the crash, Gwen suffered injury to her right shoulder, her head struck her headrest violently causing immediate pain to her right shoulder. She also suffered a sprain of her neck and right shoulder, shooting pains in her legs, lower back and lumbar region of her spine and muscle spasms on the sciatic nerve, and a concussion without loss of consciousness.

12. As a result of the injuries sustained in this crash, Plaintiff is expected to have continued pain in her right shoulder and difficulty in performing many of her normal daily living activities.

13. Plaintiff has incurred medical bills for her treatment resulting from this accident and reasonably anticipates continued pain and discomfort and negative impact on her daily living activities.

#### First Claim

14. Plaintiff incorporates herein each and every allegation set forth in paragraphs 1-13 hereinabove as if fully rewritten herein.

15. Defendant Clair, the driver of the Secord Farms truck, knew, or should have known, that the trailer that he was pulling was in a state of disrepair. The examination of the truck revealed that axle 4 on the right dual tires was missing, and seven out of ten nuts were sheared off. The unsafe condition of the trailer caused the wheel to come off the trailer, flying in a southbound direction towards Plaintiff's car and other traffic following.

16. As a direct and proximate cause of the condition of the truck and trailer driven by Mr. Clair and owned by Secord, LLC, Plaintiff sustained the injuries described and incurred damages described above in excess of \$25,000.00.

Second Claim

17. Plaintiff incorporates herein each and every allegation set forth in paragraphs 1-16 hereinabove as if fully rewritten herein.

18. Secord Farms, LLC is the owner of the trailer whose wheel came flying off the truck driven by Defendant Clair which headed southbound into the oncoming traffic, including the Plaintiff.

19. Secord Farms, LLC has a duty to maintain their vehicles in a safe operating condition so as not to be a hazard to the other vehicles traveling on the road.

20. As a direct and proximate cause of Secord Farms' negligent maintenance and poor care for this vehicle, Plaintiff suffered injuries and incurred damages as described above, in excess of \$25,000.00.

Third Claim

21. Plaintiff incorporates herein each and every allegation set forth in paragraphs 1-20 hereinabove as if fully rewritten herein.



22. Defendant Abess Awada, is, at all times material herein, is and had been an employee of the Defendant Calhoun Truck Lines, LLC and was acting within the scope of his authority as an employee and representative of Calhoun Truck Lines, LLC.

23. Defendant Awada was operating the tractor-trailer he was driving Northbound on I-75 when he failed to maintain an assured clear distance, crashing into the rear end of Plaintiff's vehicle.

24. As a direct and proximate cause of the aforesaid negligence, Plaintiff sustained the injuries and damages described above in excess of \$25,000.00.

Fourth Claim

25. Plaintiff incorporates herein each and every allegation set forth in paragraphs 1-24 hereinabove as if fully rewritten herein.

26. Defendant Calhoun Truck Lines, LLC, was at all times relevant to the allegations set forth herein, the owner of the vehicle driven by Defendant Awada, who was operating within the scope of his employment with Calhoun Trucking, LLC, when he struck Plaintiff's vehicle causing the injuries and damages described above.

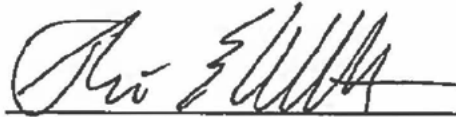
27. As a direct and proximate cause of the aforesaid negligence, Plaintiff sustained the injuries and damages described above, in excess of \$25,000.00.

Request for Relief

**WHEREFORE**, Plaintiff request that judgment be entered in the Plaintiff's favor and that Plaintiff be granted the following relief:

- A. for judgment against all four Defendants, jointly and severally, for compensatory damages excess of Twenty-Five Thousand Dollars (\$25,000.00);
- B. All other relief this Court deems appropriate, including, but not limited to, Plaintiff's Attorney's fees, costs and expenses.

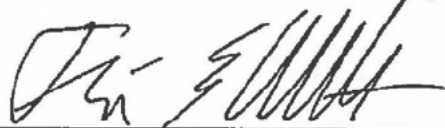
Respectfully submitted,



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PH: (419) 354-4442  
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Counsel for Plaintiff

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all matters raised in this Complaint.

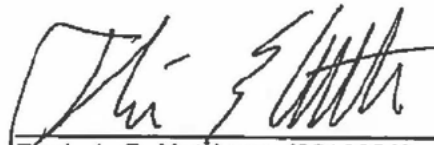


Frederic E. Matthews (0010830)  
Counsel for Plaintiff

**PRAECIPE FOR SERVICE**

To the Clerk:

Please issue Summons and a copy of the foregoing Complaint and serve the same upon Defendant at the addresses set forth in the caption by certified mail, return receipt requested as provided by Ohio law.



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